

Appl. No. 10/782,173  
Amdt. dated Mar. 14, 2005  
Reply to Office Action of Dec. 14, 2004

### REMARKS

Claims 1-28 are pending. Claims 1, 11, 15, 16, and 25 have been rejected under 35 U.S.C. §102. Claims 1-7, 11, 12, 15-21, 25, and 26 have been rejected under 35 U.S.C. §103. Claims 1-28 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Claims 1-28 remain for consideration upon entry of the present Amendment. No new matter has been added.

Claims 1-28 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending U.S. Patent Application Serial No. 10/374,413. The Examiner alleges that although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim the same embodiments of razor spacing, which allegedly appears to be the inventive feature in the two cases. A terminal disclaimer is being filed along with this response, thereby obviating the obviousness type double patenting rejection.

Claims 1, 11, 15, 16, and 25 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,920,711 to Pelizzola (hereinafter "Pelizzola"). The rejection is traversed and reconsideration is respectfully requested.

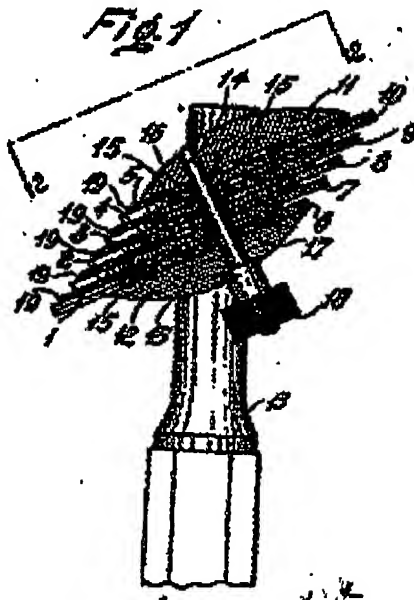
Claim 1 of the present application recites a razor cartridge comprising a frame; at least four razor blades supported by the frame; a guard attached to the frame; and a cap attached to the frame. Each razor blade includes a cutting edge that extends along a length of its respective razor blade. The guard includes a contact surface, and the guard is disposed forward of the razor blades. The cap includes a contact surface wherein the cap is disposed aft of the razor blades. The at least four razor blades are arranged so that the cutting edge of each razor blade is adjacent a plane extending between the contact surfaces of the guard and the cap.

Claim 15 of the present application recites a razor assembly comprising a handle and a head. The head includes a frame, at least four razor blades supported by the frame, each razor blade including a cutting edge that extends along a length of the razor blade, and a guard attached to the frame, the guard including a contact surface and being disposed forward of the razor blades. A cap is attached to the frame, the cap including a contact surface wherein the cap is disposed aft of the razor blades. The at least four razor blades are arranged

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so that the cutting edge of each razor blade is adjacent a plane extending between the contact surfaces of the guard and the cap.

Pelizzola is directed to a multiblade safety razor wherein five razor blades are clamped between first and second locking blocks. As shown in FIG. 1 of the Pelizzola reference (reproduced below), the first locking block 12 is fixed to a handle 13. The second or upper locking block, element 11, has a pair of pins 14 (only one shown) projecting outwardly there from and extending through the first locking block 12. The razor blades and a series of spacers positioned between successive razor blades are clamped between the first and second locking blocks via nuts 18 threaded onto the ends of the pins. The bottom most spacing plate defines a series of safety teeth.



Unlike the invention recited in claims 1 and 15 of the instant patent application, Pelizzola fails to disclose, teach, or suggest a razor assembly comprising a frame. Instead, and as clearly illustrated in FIG. 1 above, Pelizzola discloses two independent locking blocks that can be releasably secured together to clamp a plurality of razor blades and alternately

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placed spacing plates together. This in no way teaches or suggests a frame as claimed shown and described in the instant application as having a guard and cap attached thereto.

Pelizzola further fails to disclose, teach, or suggest a razor assembly in which at least four razor blades are arranged so that the cutting edge of each razor blade is adjacent a plane that extends between the contact surfaces of the guard and the cap. Pelizzola is silent with respect to a plane extending between contact surfaces defined by the guard and the cap, each razor blade being adjacent to the plane. In fact, other than stating that the cutting edges of the blades are in "stepped relationship to each other," Pelizzola makes no mention whatsoever of the blade orientation relative to a guard and cap. In fact, Pelizzola makes no mention whatsoever of a guard or a cap.

To anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element and limitation of the claimed invention. Absence from the reference of any claimed element or limitation negates anticipation. Accordingly, and for at least the above-stated reasons, Applicants respectfully submit that claims 1 and 15 are allowable over the reference as applied by the Examiner and withdrawal of the rejections under section 102 of claims 1 and 15 is requested.

Claims 11, 16 and 25 each ultimately depend from either independent claim 1 or 15. Since Applicants contend that independent claims 1 and 15 are allowable, any claims depending there from are also allowable and an early action to that effect is solicited.

Claims 1, 2, 11, 15, 16, and 25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,689,883 to Ortiz et al. (hereinafter "Ortiz") in view of Pelizzola. The Examiner alleges that Ortiz shows the claimed material except that the razor does not have at least four blades, and that Pelizzola shows the advantage of a razor with four or more blades. The Examiner then alleges that from this teaching it would have been obvious to one of ordinary skill in the art to add two more blades to the Ortiz device.

The teachings of claims 1 and 15 of the present application are presented above.

The teachings of Pelizzola are presented above.

Ortiz is directed to a flexible razor cartridge (e.g. a cartridge having a cartridge body that is flexible in a direction perpendicular to the blade to allow the blade to conform to the various contours of the face or other shaving surface.). (See column 2, lines 35 – 39 of the Ortiz reference) This conclusion is supported in several passages in the Ortiz reference as follows.

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"In contrast, because the ridges in the present invention do not extend continuously across the guard, but rather define flow-through channels, the skin-contacting element of the present invention is quite flexible in the *normal flexing direction of the cartridge*." (Emphasis ours) (See column 2, lines 42-47 of Ortiz)

"FIGS. 1-4 illustrate an insert molded, *flexible razor cartridge* 10 including a pair of single edge blades 12, 14, a cap 16, and a guard 18 which is supported forward of and below the blades 12, 14 by a plurality of ribs 15." (See column 3, lines 54 and 55 of Ortiz) (Emphasis ours)

"In the example of the *flexible cartridge* shown in FIGS. 1-4 . . ." (Emphasis ours) (See column 3, lines 65-66 of Ortiz)

"Due to the herringbone ridge pattern, when the razor moves in the direction of shaving, the segments A-F of the skin-contacting element 11, rather than flexing in the opposite direction of shaving (as would occur if the rows were parallel to the direction of the blade edges), *will flex at angles of 70 degrees and 290 degrees*, respectively, relative to the direction of shaving." (Emphasis ours) (See column 5, lines 8 to 15 of Ortiz)

"The *flexible cartridge* shown in the embodiment of FIGS. 5-6 is similar to the embodiment of FIGS. 1-4, except that the guard 18 . . ." (Emphasis ours) (See column 5, 42-43 of Ortiz)

Based on the foregoing, it is clear that the Ortiz patent is directed to a flexible cartridge.

By contrast, Pelizzola is directed to a rigid cartridge that does not flex. This conclusion is supported by Pelizzola as follows.

"It should be noticed that, as each blade is firmly held between two plates, *the blades are not flexed* and can accordingly be manufactured with *fully hardened steel* . . . (Emphasis Ours) (See the second column, lines 99-02 of Pelizzola)

As should be readily apparent, the Ortiz and Pelizzola references teach away from one another as one is directed to a cartridge wherein the blades flex, and the other reference is directed to a razor wherein it states that the blades do not flex. Accordingly,

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these references cannot be combined with one another. Moreover, one of ordinary skill in the art to which the present invention pertains would not look to the teachings of two disparate references to arrive at the invention claimed in the instant patent application. There is absolutely no motivation to combine the Ortiz and Pelizzola references as the Examiner suggests.

For at least these reasons Applicants contend that the claims of the instant application are patentably distinguishable over the references as applied by the Examiner.

Claims 1, 3-7, 11, 15-21, and 25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2003/0154832 to Guimont et al. (hereinafter "Guimont") in view of Pelizzola. The Examiner alleges that Guimont shows that it is desirable to set the exposure of the blades to be increasing toward the rear of the device, even though Guimont shows only two blades. The Examiner then alleges that one of skill in the art would obviously add two or more blades to the razor of Guimont after observing the device of Pelizzola to improve the shave, and that the exact set of the blades relative to the shaving plane within a small amount of that shown by Guimont would appear to be obvious absent a showing of criticality.

The teachings of claims 1 and 15 of the present application are presented above.

Guimont is directed to a shaving aid delivery system for a shaving system which includes a razor head having a reservoir for holding a shaving aid and a heating apparatus disposed adjacent the reservoir. Two blades are mounted on the razor head and are movably connected to each other via resilient supports. The heating apparatus is preferably in contact with the shaving aid. The system also includes a shaving strip disposed within the razor head and an actuator that electrically couples to the heating element to cause volumetric expansion of the shaving aid when activated. The razor head may be selectively engagable with and detachable from a razor handle.

The teachings of Pelizzola are presented above.

The combination of Guimont and Pelizzola fails to teach, suggest, or motivate one of skill in the art to arrive at the invention of the present application. One of ordinary skill in the shaving arts would not look to the combination of Guimont and Pelizzola to arrive at the present invention because Guimont and Pelizzola, at least with respect to the mounting of razor blades, teach away from each other. In particular, it should be noted that the razor blades in Guimont are movably mounted to each other via resilient supports and that the razor

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blades in Pelizzola are securely clamped together between locking blocks. While during the use of the Guimont shaving system the razor blades might flex somewhat due to the resilient supports. During the use of the Pelizzola shaving system and as outlined above, the blades are fixed in place and are substantially immovable. In such a configuration, the resilient mounting of the razor blades is in direct opposition to the clamping of razor blades between locking blocks. Accordingly, Guimont and Pelizzola teach away from each other and are not properly combinable.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Because Guimont and Pelizzola teach away from each other, there is no teaching, suggestion, or motivation to combine Guimont and Pelizzola to arrive at the invention as recited in claims 1 and 15, and thus the Examiner has not established a prima facie case of obviousness. Consequently, Applicants respectfully request that the Examiner withdraw the rejections of claims 1 and 15.

Claims 1, 11, 12, 15, 16, 21, and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,402,574 to Milner (hereinafter "Milner") in view of Pelizzola. The Examiner notes that Milner allegedly discloses variable spacing of the blades and that, furthermore, an artisan would add two more blades to the Milner shave to improve the shave as taught by Pelizzola.

The teachings of claims 1 and 15 of the present application are presented above.

Milner is directed to a shaver head having a chamber having an enclosing wall with upper blade ports and lower blade ports being cut or formed therethrough. Upper and lower support members are attached to the enclosing wall. A razor blade extends through each port, each razor blade being mounted via sliding tabs which engage tab guides in the wall. Springs are disposed in mounting devices to bias the respective razor blades away from the support members. As the razor blades are drawn across the skin of the user, the blades move up and down within the guides, the springs being restrained by the abutment thereof against the lower surfaces of the mounting devices.

The teachings of Pelizzola are presented above.

As with Guimont, the combination of Milner and Pelizzola fails to teach, suggest, or motivate one of skill in the art to arrive at the invention of the present application. One of

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ordinary skill in the shaving arts would not look to the combination of Milner and Pelizzola to arrive at the present invention for the same reasons that one of ordinary skill in the shaving arts would not look to the combination of Guimont and Pelizzola, namely, that Milner teaches away from Pelizzola. In particular, it should be noted that the razor blades in Milner are movably mounted (similar to Guimont) via springs and that the razor blades in Pelizzola are securedly clamped together between locking blocks. Thus, during the use of the Milner shaving system the razor blades flex due to the compression of the springs (thereby changing the exposures of the two blades relative to each other), whereas during the use of the Pelizzola shaving system the blades are fixed in place. In such a configuration, the mounting of the razor blades on springs is in direct opposition to the clamping of razor blades between locking blocks. Accordingly, Milner and Pelizzola teach away from each other.

As stated above, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Because Milner and Pelizzola teach away from each other, there is no teaching, suggestion, or motivation to combine Milner and Pelizzola to arrive at the invention as recited in claims 1 and 15. Accordingly, the Examiner has not established a prima facie case of obviousness. Consequently, Applicants respectfully request that the Examiner withdraw the rejections of claims 1 and 15.

Claims that depend from a claim that is non-obvious are themselves necessarily non-obvious. Because claims 2-14 depend from claim 1, and because claim 1 is asserted to be non-obvious for the reasons presented above, claims 2-14 are necessarily non-obvious. Applicants, therefore, respectfully submit that claims 2-14 are allowable. Accordingly, Applicants respectfully request that the rejections of claims 2-14 be withdrawn. Furthermore, because claims 16-28 depend from claim 15, and because claim 15 is asserted to be non-obvious for the reasons presented above, claims 16-28 are necessarily non-obvious. Applicants, therefore, respectfully submit that claims 16-28 are allowable. Accordingly, Applicants respectfully request that the rejections of claims 16-28 be withdrawn.

Applicants believe that the foregoing Response is fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish Applicants' invention from those of the prior art and render Applicants' invention

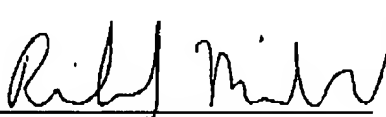
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novel and non-obvious, Applicants respectfully request that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

The Examiner is authorized to charge the Terminal Disclosure fee of \$130 to Deposit Account No. 503342. If any additional fees are required with respect to this Response, they may also be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

By 

Richard R. Michaud  
Registration No. 40,088  
Attorney for Applicants

Michaud-Duffy Group LLP  
CenterPoint  
306 Industrial Park Road, Suite 206  
Middletown, CT 06457-1532  
Tel: (860) 632-7200  
Fax: (860) 632-8269